

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EBEN ALEXANDER, III, M.D.)
Plaintiff,) Case No. 04-10738-MLW
v.)
BRIGHAM AND WOMEN'S PHYSICIANS)
ORGANIZATION, INC., successor to)
Brigham Surgical Group Foundation, Inc.,)
BOSTON NEUROSURGICAL FOUNDATION)
INC., BRIGHAM SURGICAL GROUP)
FOUNDATION, INC. DEFERRED)
COMPENSATION PLAN, BRIGHAM)
SURGICAL GROUP FOUNDATION, INC.)
FACULTY RETIREMENT BENEFIT)
PLAN, COMMITTEE ON COMPENSATION)
OF THE BRIGHAM SURGICAL GROUP)
FOUNDATION, INC., and)
PETER BLACK, M.D.)
Defendants.)

)

NOTICE OF APPEAL

Notice is hereby given that Eben Alexander III, M.D., plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the First Circuit from the portion of the final Judgment entered in this action on the 19th day of January, 2007 entering judgment in favor of Defendants on Counts IX, X, and XII as a result of the Memorandum and Order dated December 26, 2006.

PLAINTIFF EBEN ALEXANDER, III, M.D.
By his attorneys,

/s/ Colleen C. Cook

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Dated: January 25, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon David Casey, Esq., counsel for defendants, by electronic mail and First Class mail on January 25, 2007.

/s/ Colleen C. Cook
Colleen C. Cook